

Toledo Police Sergeant James Francis Boyle. 1869-1908.

The Fatal Shooting of Sergeant James F. Boyle by Fred Bechtel.
*"One of the most deplorable chapters in the criminal history of Toledo."*¹

After a night of heavy drinking in nearby Toledo Tenderloin saloons, three young hoodlums wandered over to the Clover Leaf railway spurs next to the packing plants and warehouses to break into boxcars.

Sergeant James F. Boyle and his partner, Patrolman W. L. Jackson, were making their rounds on Erie Street at 3:15 a.m. the morning of May 4, 1908, when they saw shadows moving between the refrigerator boxcars on the Clover Leaf tracks between Erie and Ontario Streets. Boyle and Jackson immediately split up, with Boyle continuing toward the shadows and Jackson running up Erie Street to Washington Street to position himself to intercept the suspects should they run from Boyle.

Boyle and Jackson quickly converged in front of the Hammond Packing Plant at Ontario and Lafayette Streets without finding the suspects, but a few minutes later they saw three men standing near the main entrance of the Seyfang Bakery, across Ontario at Lafayette. The two officers approached the men and demanded that they explain what they were doing in the railroad yards in the wee hours of the morning. When the suspects did not come up with a satisfactory answer, they were placed under arrest.

As Officer Jackson began clasp the handcuffs on two of the suspects, later identified as George Rogers and John Mack, Sergeant Boyle started to search the pockets of the third suspect, Fred Bechtel. In an instant a shot rang out, Boyle doubled over and Bechtel took off running. Jackson fired five shots at the fleeing suspect, then turned and snagged Bechtel's two stunned companions before they could flee.

Meanwhile Sergeant Boyle, severely wounded by a bullet in his abdomen, had somehow stumbled and crawled about 500 feet across the street to a point near the Standard-Simmons Hardware plant at Ontario and Lafayette, where he collapsed from loss of blood. Bechtel had fired the shot at Boyle through his own clothing while the pistol was still in his pocket.

Apparently wounded by one of Officer Jackson's five shots, Bechtel left a trail of blood across a two-block path that ended in the alley between 35 and 41 Ontario Street. Bechtel had struggled north toward Monroe Street after stuffing his wound with dirt and grass to stop the bleeding. He attempted to enter a house at 38 Michigan Street, but failed, then crumbled to the pavement at the corner of Monroe and Eleventh Streets when he could go no further. Finding tracks of buggy wheels in smeared blood caused converging police to suspect that someone had picked up Bechtel in the Ontario Street alley where the blood trail ended.

"Three men who assisted Bechtel (Bechtel) in the most sensational and remarkable flight from justice recorded in Ohio police annals."²

Three friends of Bechtel, Chester "Monk" Cleary, Frank "Puggy" Morrissey and Frank McDonough, who were also wandering around the railyard area for no apparent reason that night, came across Bechtel lying on the ground in the alley. Bechtel desperately offered the three men one dollar each if they would transport him to the home of a friend, Mrs. Timothy (Helena) O'Connell, 663 Avondale. The three men loaded Bechtel into a stolen



Sergeant James Francis Boyle.

buggy and took him to the O'Connell home, hence the reason that the trail of blood stopped abruptly at the alley. Bechtel allegedly told the three men, *"I have just shot a policeman, and now I am dying myself."*³

Mrs. Helena O'Connell, nee Mulvahill, was the sister of Mother Mack (Kate Mulvahill McDonald) and aunt of Mother Mack's son, John Mack, one of the three suspects that had just been corralled by Sergeant Boyle and Patrolman Jackson when the shooting took place. Helena O'Connell knew the three boxcar robbers very well. However, Helena O'Connell later claimed that she had no idea that Bechtel or any of his friends had been involved in a shootout with police. Otherwise, she adamantly asserted, she would not have accepted them into her house and would have immediately contacted the authorities. The buggy used to transport Bechtel, was stolen from the Dosson Carriage Company on Jefferson Avenue and later found in a nearby vacant lot.

Back at the Simmons Hardware plant, Boyle was fading fast from his wound, telling Officer Jackson, *"I think I'm done for."*⁴ An ambulance soon arrived to transport Sergeant Boyle to St. Vincent's hospital, where an emergency operation was immediately performed.

Shortly after returning from the operating room, Sergeant Boyle was conscious just long enough to tell Chief Knapp, *"I don't know who did it. Anyway, after what has happened, I wouldn't prosecute him if I could."*⁵ That statement caused much consternation and confusion among those who heard it, causing some to conclude the Boyle was still delirious from the trauma and the anesthetic. It was learned later that Bechtel had fired his 38-caliber pistol through the cloth of his coat while it was still in his pocket, which explains why Boyle never knew who fired the shot.

The attending doctors feared that Sergeant Boyle might not survive more than a few hours. Friends, family and fellow policemen were called and stood watch in his hospital room, hoping for the best, but fearing the worst.

At the O'Connell house: The arrest of Bechtel.

At Helena O'Connell's house, Bechtel, thinking that he might die, finally asked that a physician be called. Dr. Thomas R. Burgess received the call and headed for the O'Connell house. At about the same time, Motor Cops Clarence Meade and Dave Coakley overheard a young boy on the street at 6 a.m. telling his pal that someone had been shot. The two events led police to the O'Connell house.

Dr. Burgess arrived at the O'Connell house and promptly bandaged Bechtel's leg wound, telling him that he would probably survive. Minutes later, the police arrived. Chief Knapp and Officer McCloskey promptly arrested Bechtel. The other men, who were at one time in the house but had already left, were soon rounded up by other officers.

Back at the central police station, Detectives Herbert and Tracy questioned the two additional suspects that had been taken to the Lagrange Central Police Station, James Brogan and Thomas Kelley. The detectives learned that Kelley had been hanging around with John Mack earlier that same evening. Police were very familiar with 21-year-old John Mack, a frequent Toledo Workhouse visitor and one-time inmate at the Ohio Reformatory. At the time of the shooting, John Mack's younger brother, Ted, was being held in the county jail awaiting trial for robbing Lake Shore boxcars in the same railyard where the shooting took place.

The three men who had transported Bechtel to the O'Connell house were released. Police believed their story that they were unwittingly involved in helping a wounded stranger, although it was learned much later that the three actually knew Bechtel well. The three also concurred in their statements to police that Bechtel told them that night that he knew he had shot a policeman.

The next day, Tuesday, the 38-caliber pistol that Bechtel used to shoot Sergeant Boyle, was found in a pawnshop on Perry Street. Two days later, Frank Morrissey, one of the three friends of Bechtel who had transported him to the O'Connell house after the shooting, admitted that he was the one who pawned the pistol. It was also learned that Bechtel had been arrested and charged only six weeks earlier on March 24 in Rossford for robbing Lake Shore boxcars, but released by the Rossford judge due to insufficient evidence.

BULLET ENDED SERGEANT'S LIFE

**James Boyle Passed
Away at Hospital on
Tuesday Night.**

Toledo News-Bee, May 6, 1908.

Sergeant Boyle's Last Moments.

*"The first member of the (Toledo Police) department who sacrificed his life in the performance of his duty."*⁶

In St. Vincent's hospital, Sergeant Boyle's condition was rapidly deteriorating, although he was semi-conscious for all but the last few hours of his ordeal. Chief Knapp arrived at the hospital hoping to secure a last statement from Sergeant Boyle about the shooting, but instead chose simply to comfort him when he learned of his rapidly-fading condition.

At 9:15 p.m. on Tuesday, May 6, 1908, Sergeant Boyle died, with family members, Chief Perry Knapp, Prosecutor Wachenheimer and Dr. Peter O'Donnely at his bedside. Sergeant Boyle was semi-conscious until close to the end.

Flags were immediately lowered to half-mast at all the police stations as the city mourned the death of the young police sergeant. Funeral services were scheduled for Friday at the Boyle home and St. Patrick's Church, with burial at Toledo's Calvary Cemetery after the church service. Pall bearers were: Sergeants Patrick Flannigan, John Schlagheck, Frank Reilly and Joseph Delehanty and Lieutenants Daniel M. O'Sullivan, Patrick Sheehey, John Crowley and P. J. Conmay.

The May 4, 1908, edition of the Toledo Blade noted that 39-year-old Sergeant Boyle, married father of four children ranging in ages from 6 to 17, was *"one of the most esteemed and capable men on the police force . . . known as a fearless, courageous officer . . . and very popular among the patrolmen as well as officers."*

Chief Perry D. Knapp issued the statement:

"It is with profound sorrow that I have to announce to the members of the force and the department the sad death of Sergeant James F. Boyle.

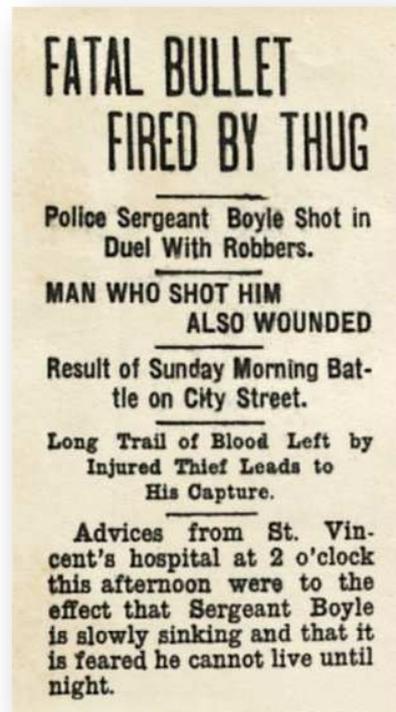
"He was held in high esteem by his associates and had the confidence of all who knew him. He was modest, intelligent, and his lasts official act demonstrated that he was courageous; that he received his death wound while endeavoring to protect private property from burglars.

"In respect to his memory a detail of the members of the force, consisting of two sergeants and twenty-four patrolmen, will be present at his late residence, 434 Missouri Street, Friday, May 8, at 8:15 a.m. and there report to Captain Casey to be in attendance upon the funeral."

Fred Bechtel's Survival, the Investigation, the Grand Jury and Sergeant Boyle Memorial Fund-Raisers.

At Toledo Hospital, despite the massive amount of blood Fred Bechtel had lost from the bullet wound in his leg, he was on his way to a miraculous recovery, which doctors *"declared to be almost without parallel in medical science."*⁷ Although Bechtel refused to provide any information about the shooting, his two cohorts, John Mack and George Rogers, readily provided full accounts of the incident, clearly worried about the dire consequences of their involvement in the murder of a policeman.

Only hours after the death of Sergeant Boyle on May 6, 1908, the grand jury began their investigation, bypassing the formality of first calling Bechtel before a Police Court judge. Bechtel, the shooter, was expected to be indicted for first-degree murder. The fate of John Mack and George Rogers hinged on the possible application



Toledo Blade, May 4, 1908.

of an earlier Ohio Supreme Court opinion, that accomplices in a crime that resulted in a death could also be held responsible for the murder.

Following the day of memorial services, the Toledo Casino announced that all profits of the two-a-day performances during the opening week of May 30th would be handed over to the Boyle family. It was pointed out that Sergeant Boyle had only recently sold his home in order to finance a trip south for his wife, Mary, hoping to treat her failing health.

The public safety board earmarked \$1,000 for Sergeant Boyle's family and formally commended Patrolman A. L. Jackson for his actions that night. A scheduled baseball game between the police department and city hall was postponed indefinitely. Jules Hurtig, a New York burlesque and vaudeville manager and frequent visitor to Toledo, wrote a sizeable check to the Casino fund for Boyle, with expectations that his peers in the vaudeville business would do the same.

The Bechtel Case.

On the day of Sergeant Boyle's burial, May 8, 1908, the grand jury returned indictments of first-degree murder, punishable by death, against Fred Bechtel, John Mack and George Rogers. Arraignment was set for the following week, with a trial expected to begin near the end of May.

Bechtel's mother, Mary Munsey, arrived in Toledo from her home in Muncie, Indiana, to be with her son. Bechtel's wife, Lulu (or Lula), was expected to arrive soon from Lacrosse, Wisconsin. She had moved there recently to live with relatives after her husband was laid off from his job at the glass factory in Muncie.

At the time of the shooting, Bechtel, a former glass factory worker in Muncie, was in Toledo looking for work. Weeks before the shooting, Bechtel had been introduced to Mrs. Helena O'Connell, aunt of John Mack and sister of Mother Mack, by Calvin Wolfe, a nephew of Mrs. Helena O'Connell. John Mack, "Monk" Cleary, "Puggy" Morrissey and Frank McDonough and his other boxcar-robbing cohorts also came to know Mrs. O'Connell through Calvin Wolfe, who boarded with John Mack.

Relatives and friends of the three men charged in the murder raised enough funds to hire attorneys J. R. W. Cooper and Charles Milroy, a law partner of Toledo Mayor Brand Whitlock, to defend him. It was expected that Bechtel's defense would be that the shooting was an accident, i.e., the gun was accidentally fired from Bechtel's pocket as he attempted to pull it out of his pocket to hand it over to Sergeant Boyle. Bechtel's lawyers planned to assert that Bechtel had no intentions of resisting arrest. Meanwhile, in his jail cell, Bechtel was so distraught that police feared a complete nervous breakdown or even suicide.

On May 11, 1908, Bechtel was brought before Judge Bernard. F. Brough for arraignment. Bechtel, still recovering from his wound, was carried into the courtroom in a chair. *"Bechtel betrayed great nervousness. His hands shook and his face was wan and drawn into nervous lines."*⁸ Bechtel hid his face in his hat when a photographer pointed his camera at him. The defense attorneys asked for a delay in the arraignment, which was approved, despite objections from the prosecution.

Mrs. Helena O'Connell, to whose home Bechtel was brought after having shot Sergeant Boyle, was panic-stricken that she was being accused of harboring and caring for a wounded murderer. She claimed that Bechtel had been brought to her door after being turned away by a number of other neighbors that same morning and that she only knew the men with him as acquaintances of her nephew Calvin Wolfe. She had no idea that Bechtel or any of the others had been involved in any trouble, just that Bechtel was badly injured and needed help:

"I would have done as much for any man. I have a soft heart and could not turn a dog away from my door in that condition. God knows my heart aches for poor Mrs.



Toledo News-Bee, June 22, 1908.

Boyle, and I would not for the world have her think that I protected the man who killed her husband.

*"It is a disgrace that I feel deeply in having been innocently taken in by Bechtel and allowing him to be carried into my house. I would not mind it so much myself, as long as I knew I was right, but my poor children are taunted with it, and my aged parents feel it keenly."*⁹

Another arraignment was held for Bechtel, Mack and Rogers on May 15, 1908, before a courtroom packed with spectators. Bechtel and Mack were again represented by J. R. W. Cooper; George Rogers by E. M. Beard. Beard asked for yet another continuance to better prepare, to which the Judge Brough agreed. Beard told the press that George Rogers, 18 years old and a janitor at the Spitzer building, was the well-behaved son of a railroad man and had never been in trouble before meeting Mack and Bechtel.

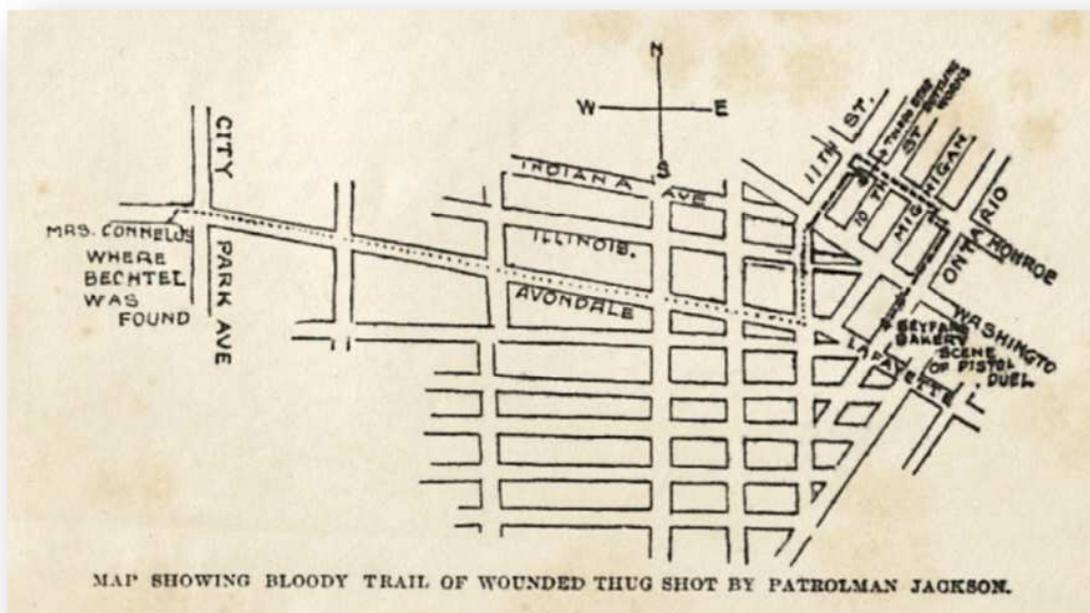
Despite the series of arraignment delays, all three suspects eventually pleaded not guilty. The trial of Bechtel was the first to be scheduled on June 22, 1908.

June 22, 1908. The Trial of Bechtel Begins.

After some short delays due to filling the special venire, the Bechtel murder trial got underway the afternoon of June 22, 1908 before Judge Brough. When Bechtel hugged his mother and broke down in tears in front of the jurors, the prosecution asked that Bechtel's mother be removed from the court, so as not to influence the jury. The defense objected. Judge Brough compromised by ordering that she be moved to the back of the courtroom and not be permitted to sit at the defense table. The defense responded by asking that Inspector Jack Carew not be permitted at the table of the prosecution. Judge Brough denied the defense's request.

Defense attorneys gave no hint as to their strategy, although it was known that they had collected 21 depositions from Muncie residents asserting that Bechtel's character was good and that he worked diligently at his job as a glass-blower.

Difficulties properly filling the venire caused a series of short delays. Finally, the trial began the morning of June 24, 1908, with the testimony of Patrolman A. L. Jackson, recounting the events leading up to the shooting. Jackson's testimony was supplemented by that of Clover Leaf detectives who described the boxcars parked at the track between Lafayette and Erie Streets.



It soon appeared that the defense strategy would be to focus on the good character of Bechtel and attempt to prove that Bechtel, Mack and Rogers were not the men seen near the boxcars that night. The defense contended that it would have been impossible, due to the darkness, for anyone to have made absolute identification of any of the suspects. Defense attorney J. R. W. Cooper told the court that Bechtel would take the stand in his own defense and describe in detail the events that night. *"You will hear from his own lips the story of that dreadful night, and we believe that when this trial shall have ended you gentlemen will take pleasure in saying that he is not guilty."*¹⁰

The next order of business in the afternoon after jury selection, as requested by the defense, was to take Bechtel, the attorneys and the jurors to visit the scene of the shooting. Earlier, Judge Brough had denied a request by the defense to visit the scene at night, the defense believing that it would be helpful to Bechtel's case to show the jurors just how difficult it would be to identify dark shadows and silhouettes in the railyard after dark. At the crime scene, Bechtel, handcuffed to a deputy, pointed out the spot where he had been shot and other key locations, while the entourage of jurors followed closely behind.

On the morning of June 25, 1908, the trial resumed with opening arguments by the defense and the prosecution, the defense focusing on Bechtel's good character that would be attested to by a series of witnesses from the glass factory in his hometown, who knew Bechtel from the time he started as a 13-year-old glass worker. In dramatic fashion, Bechtel's wife, Lulu, showed up in court, shedding tears as she tried to console her husband.

Clover Leaf railroad Detective James Drury and newspaper deliveryman Charles Rehm testified that they saw the three suspects in the railroad yards earlier that morning. Rehm stated that in the dark light of the early morning he saw the three accused men standing around the boxcars that were later discovered to have been the ones broken into. The defense continued to argue that the darkness and shadows prevented a positive identification, but the prosecution countered that an arc light at Lafayette and Ontario Streets cast enough light to make positive identification quite possible. Rehm then caused some minor confusion when he estimated the height of each of the men he saw that night, which did not correspond to actual height of the three defendants.

Next up was Patrolman A. L. Jackson, who recounted in detail the events of the night of the shooting. He told the court that he and Sergeant Boyle found the three suspects standing at the rear door of the Seyfang Bakery building. When asked what they were doing there, all three replied, *"Nothing."* At that point, Patrolman Jackson pulled out his handcuffs and started to "buckle up" Bechtel and his two cohorts. Jackson told the court, *"Just then Bechtel fired a shot, and Boyle cried, 'I'm done for.' I turned and saw that Bechtel had his revolver pointed at the crowd of us. I was the man nearest to him. I fired at him as he jumped, and repeated the shot three times."*¹¹ Bechtel briefly chased Bechtel up Ontario Street, before turning back to tend to Sergeant Boyle, who had by then somehow staggered to a point near the Standard-Simmons building. Jackson added that it was a 38-caliber revolver that Bechtel used and a 44-caliber blue Colt revolver that Jackson shot at Bechtel.

After firing at Bechtel and seeing Bechtel disappear into the darkness, Jackson turned to the two stunned suspects, Rogers and Mack, and handcuffed both of them. In the meantime, Boyle had somehow staggered to the steps of the Standard-Simmons Hardware building, where Jackson found him minutes later. After helping Boyle into the ambulance, Jackson returned to the crime scene. The boxcar that was broken into had beer advertisements on the outside, which Jackson believed to be the reason the three suspects broke into that particular car. However, it turned out that the boxcar contained only condensed milk, not beer.

On Thursday, June 25, following the testimony of Dr. Thomas B. Burgess, the physician who treated Bechtel after the shooting, described the bullet wound in Bechtel's thigh. The prosecution rested.

The defense next cross-examined Jackson, revealing some discrepancies in his previous testimony, but none of major consequence. Mary Munsey, the mother of Bechtel, the youngest of five of Mary's sons, was next on the stand. She testified that her son, born in Sheridan, Indiana, was of good character with a respectable reputation. She said that her first husband died when Fred Bechtel was 3 years. She then remarried and moved the family to Muncie, Indiana, in 1896. Bechtel finished one year of high school in Muncie after his stepfather died, then found work in a local glass factory and married Lulu Barber on October 7, 1905.

Bechtel's wife, Lulu, also attested to Bechtel's good reputation. She explained that she was temporarily living in Wisconsin because the two had mutually agreed to separate when Bechtel lost his job, denying that Bechtel had thrown her out. The prosecutor asked, *"Didn't your husband turn you out?" Mrs. Bechtel responded, "No, sir; we agreed to separate when he got out of work."*¹² Lulu Bechtel was followed on the stand by the president of the Flint Glass Worker's union in Muncie, Indiana, and two other Muncie glass workers, who all said they knew Bechtel to be honest, hard-working and peaceful.

Dr. Peter Donnelly described in graphic detail the path of the bullet that ultimately took Sergeant Boyle's wife. The bullet entered near the navel, severed intestines in several places, then arced downward to lodge in the hip bone. Dr. Donnelly's testimony was important, because he confirmed that the path of the bullet was consistent with a weapon that had been fired from waist level, i.e., a bullet fired from Bechtel's pocket would have taken such a path.

The defense went to great lengths to show that it would have been impossible for anyone to accurately identify the three suspects in the dark and that no one, including Patrolman Jackson and Sergeant Boyle, actually saw Bechtel fire his weapon. Witness after witness was asked to describe the shadowy figures they saw in the shadows that morning. Their descriptions varied considerably, particularly in estimates of the height of each of the individuals. The defense repeatedly argued that the three suspects were simply carousing in the Tenderloin that night, going from saloon to saloon, and were not the individuals who had been seen earlier breaking in to box cars in the Clover Leaf yards. The defense was adamant that the three had nothing to do with the boxcar break-ins and should not have been accosted by the police. And further, the firing of Bechtel's gun was simply an unfortunate accident.

John Mack's Testimony.

At the time of the shooting, young John Mack, son of Kate "Mother" Mack (McDonald), was already far down the road on his way to becoming a hardened gunman, jail-breaker, yegg (safe-blower) and thief. He had spent much of his youth in and out of trouble with Toledo police and a considerable amount of time in the Toledo Workhouse. His mother, Kate, was known as "Mother" Mack, a criminal entrepreneur who ran a resort, trafficked in stolen goods and operated as a 'fence' in and around the Tenderloin and railroad spurs just south of the city. Police raids of the Mack home, a haven for underworld characters, were frequent. Her family was known in the area as the notorious "Mother Mack Gang," and was nothing but trouble for police.

Mother Mack served one four-year term, from 1906 to 1909, in the Ohio Penitentiary on a subornation of perjury conviction for coercing an under-age 15-year-old boy, William Beckman to lie on her behalf regarding stolen goods police had found in her house. In that case, Beckman received a sentence of four years in the Ohio Reformatory. Mother Mack's youngest son, Ted, was also in and out of the Ohio Reformatory and Toledo Workhouse before being caught in the Clover Leaf yards in 1910 robbing boxcars – an incident that resulted in a wild-west shootout and Ted Mack being shot dead by Toledo Motor Cop Clarence Mead. In later years, John Mack would spend time in the Ohio Reformatory and two stints in the Ohio Penitentiary. His last stint in the Ohio Penitentiary was a 17-year sentence for the Holland Bakery payroll robbery in Toledo in 1922, a crime for which he was pardoned by Ohio Governor Donahey in 1927 after serving five years.

When John Mack, age 21 at the time of Sergeant Boyle's death, was called to the witness stand, he testified that George Rogers told him that immediately after Boyle was shot, Rogers leaned over to ask Boyle where he was hit. Rogers said Boyle responded by reaching out and hitting him on the head. Rogers was called to the stand next, but excused when he refused to testify regarding anything that might incriminate him, adding that he was only 18 years old.

Summarizing John Mack's testimony describing his Tenderloin binge the night of the shooting, the Toledo Blade reported that, *"The killing of Sergeant Boyle was the final incident of a drinking bout which began in the Mack home, 22 Jervis Street, and wound up in the Tenderloin."* Mack told the court that the night of the shooting the three had visited a number of Tenderloin resorts and saloons, drinking heavily in each of them. Shortly before the shooting, the three were last seen at Mabel Baker's saloon, 625 Lafayette Street at Erie Street, drinking continuously long after the place had closed. Mack said he was so intoxicated that, *"I guess I was too drunk to tell whether Bechtel was drunk, but he must have been. He drank every time I did."*¹³ Mack confessed that the three were wandering around the Clover Yards that night and morning, but denied that they had broken into any cars. Mack also said he told police the night of the shooting that he had left his revolver with a bartender before the trio headed for the railroad yards.

When the three were corralled by the police officers that morning, Mack said he never saw Bechtel's pistol at any time that evening and never saw the shot fired. Just before being dismissed from the stand, Mack admitted that he had served two terms in the Mansfield Reformatory, after pleading to guilty to a variety of charges including assault and battery and of pointing firearms at a policeman. Mack also admitted to spending time in the workhouse for various small crimes, but could not recall how many times he had been arrested by Toledo police.

"How many times have you been arrested?" asked the prosecutor. "I don't know."¹⁴ The defense attorneys did not refute Mack's bad reputation, but argued that his reputation had nothing to do with whether or not he was guilty of any actions the night of the shooting. Mack also stated that he had a third pending term in the Mansfield Reformatory that had only recently been reversed by the court.

Mrs. Helena O'Connell, sister of Mother Mack, was then brought to the stand as a key witness. She described how Bechtel, barely conscious, was brought to her Avondale Avenue home by Chester Cleary and Frank McDonough about 4 a.m. on May 2. She admitted that she had known Bechtel for a few months prior to the shooting, through her nephew, John Mack.

Fred Bechtel Takes the Stand and Tells His Story.

On Saturday, June 27, 1908, Fred Bechtel took the stand to tell his story, repeatedly pleading that the shooting was accidental. Specifically, he claimed that the pistol unexpectedly fired when Sergeant Boyle grabbed Bechtel's hand as he was taking it out of his pocket. Bechtel said he had no idea how the pistol was oriented in his pocket, but was absolute in his assertion that it went off accidentally.

Immediately after the shot was fired, Bechtel described how he was shot as he ran, finally collapsing from loss of blood in an alley south of Monroe at Ontario Street. He said that when three men who were standing nearby asked if he needed help, he offered them a dollar each to cart him to Helen O'Connell's house, which they did, using a stolen buggy. The revolver used in the shooting, Bechtel testified, was purchased from John Mack three days earlier in Fostoria, where the two had been arrested and charged with burglary and larceny. Those charges were later dismissed. He claimed that he did not know that the gun was in his pocket until confronted by the officers in the railyards. Further, he testified that he did not know what became of it after the shooting. Police recovered it in a pawn shop a few days later.

Bechtel said he had never been in trouble before and had never been arrested. When confronted by the policemen, claimed, "*I started to pull my gun out of my pocket and was going to hand it over to the officers. Boyle grabbed my hand and the gun went off*"¹⁵

The afternoon court session Monday, June 29, 1908, was consumed by opening arguments for the defense, which were wrapped up the next morning, Tuesday, June 30, 1908. The defense focused on the message to the jury that Bechtel was seeking justice, not sympathy, further arguing the absurdity of any logic that Bechtel would shoot an unarmed Sergeant Boyle instead of Patrolman Jackson, who was the one standing directly in front of Bechtel pointing a revolver at him.

The arguments concluded Wednesday, July 1, 1908, with Prosecutor Wachenheimer's final statement to the jury that, "*If men were permitted to go free upon such flimsy explanations as that this shooting was accidental, the police force would become craven in the discharge of the duties in which it would not be upheld.*"¹⁶ With respect to the possibility that one of the bullets Jackson fired could have killed Bechtel, Wachenheimer told the jury, "*Would to God that Jackson had killed him; then justice would have been done on the spot.*"¹⁷ Judge Brough handed the case to the jury at 4:10 that afternoon, with instructions to consider only six possible verdicts: 1) murder in the first degree; 2) murder in the first degree with a recommendation of mercy, 3) murder in the second degree, 4) manslaughter, 5) assault and battery and 6) acquittal.

Fred Bechtel Guilty of the Murder of Sergeant James F. Boyle.

Deliberations continued until 11 p.m. that night, with the jury retiring to cots in an upstairs room that was miserable with summer heat and mosquitoes. At 9:30 a.m. the next morning, the jury reported to Judge Brough that they were hopelessly deadlocked. But Brough ignored their conclusion and ordered them to break for lunch, then return to continue deliberations. At 4:10 p.m. on Thursday, July 2, 1908, after a total of 22 hours of deliberation, the jury reached a verdict: *guilty of manslaughter for the murder of Sergeant Boyle*. Bechtel remained composed as he heard the verdict and moments later was hustled back to jail. One week later, Judge Brough sentenced Bechtel to 20 years of hard labor in the Ohio Penitentiary. On August 5, 1908, Bechtel was escorted from Toledo to Columbus to begin his sentence in the Ohio Penitentiary as prisoner #38546.

MANSLAUGHTER IS VERDICT

Jury's Finding in
Case of Fred
Bechtel

Toledo News-Bee, July 2, 1908.

The trials of Bechtel's companions, John Mack and George Rogers, on the same charge were next in line. Prosecutors anticipated a much faster trial for Mack, due to his 'bad' reputation. But on March 3, 1909, Prosecuting Attorney Holland C. Webster stunned court watchers when he abruptly dropped all charges against Mack and Rogers, citing lack of evidence. Inspector of Detectives John Carew, who was in charge of the case, told the press that he agreed with Webster's decision.

After 10 months in jail awaiting trial, Mack and Rogers were suddenly set free. Webster explained of his highly controversial decision that, *"I am aware that my action may cause adverse criticism in view of the nature of the offense charged, but I believe my duty to the state and the defendants leaves me no other course. I could not prosecute a cause in which I did not believe the defendant guilty. I would not ask a jury to do what I would not do myself. I do not think a prosecutor has the right to urge a charge he does not believe just."*¹⁸ Just before Mack departed, Prosecutor Webster warned him that *"Toledo was too small for him."*¹⁹ Mack and his mother, who had only recently returned from serving four years in the penitentiary, said they would heed Webster's warning. One day later John Mack told Prosecutor Webster that he was leaving Toledo to live in his former home town of Muncie, Indiana. Mother Mack planned to stay in her home on Jervis Street in Toledo.



Fred Bechtel, Ohio Penitentiary prisoner #38546.

Epilogue.

One-hundred and eleven years after Sergeant Boyle's tragic death, the Clover Leaf tracks are long gone; Swan Creek has been re-routed, and the Tenderloin, with all its saloons, gambling halls, resorts and pool halls, is an all-but-forgotten relic. The area's warehouses, factories buildings, meat-packing plants and small business buildings that have survived the ravages of time are now being revitalized as condos, shops, restaurants and apartments within the renovated area now known as the Toledo Warehouse District.

It's sometimes difficult to imagine what it must have been like for Toledo police officers on the beat in that area at the beginning of the twentieth century – the danger, the risk, the unknowns. We owe much to Sergeant James F. Boyle and so many other brave and dedicated policemen like him who sacrificed so much to make Toledo a safe and secure place for all of us today. It is important to remember – always.

Recently, a chapter written by a daughter of Sergeant Boyle was published in an unidentified book that appeared on the internet. The two pages poignantly describe her father and his last moment with his family before heading to work the night of his demise:

"I can still see him, that fateful night he left us standing in front of the mirror, as he had often done before leaving for work, patting his chest, saying: "Mother, get the whisk broom and brush me off." He looked so handsome that night. Little we knew that within a few minutes he was leaving our house forever."



End Notes

- ¹ "Brave Officer Battles Against Odds for Life" *Toledo News-Bee*, page 1.
- ² "Fatal Bullet Fired By Thug." *Toledo Blade*, May 4, 1908, page 6.
- ³ Ibid.
- ⁴ Ibid.
- ⁵ Ibid.
- ⁶ "Brave Officer to the Grave." *Toledo Blade*, May 8, 1908, page 1.
- ⁷ Ibid
- ⁸ "Wounded Man Was Arraigned." *Toledo Blade*, May 11, 1908, page1.
- ⁹ Ibid.
- ¹⁰ "Bechtel Visits Scene of Tragedy." *Toledo News-Bee*, June 24, 1908, page 1.
- ¹¹ "For Murder of Sergt. Boyle." *Toledo Blade*, June 24, 1908, page 6.
- ¹² "Accident" Is Defense." *Toledo News-Bee*, June 25, 1908, page 1.
- ¹³ "Companion of Dead Officer." *Toledo Blade*, June 26, 1908, page 1.
- ¹⁴ "Miss Boyle Willing to Give Testimony." *Toledo News-Bee*, June 26, 1908, page 1.
- ¹⁵ "Bechtel Tells His Own Story." *Toledo Blade*, June 27, 1908, page 1.
- ¹⁶ "Bechtel Guilty, Manslaughter for Killing Sergt. Boyle." *Toledo Blade*, July 2, 1908, page 1.
- ¹⁷ "Manslaughter Is Verdict." *Toledo News-Bee*, July 2, 1908, page 1.
- ¹⁸ Ibid.
- ¹⁹ "First Degree Murder Bill Is Quashed." *Toledo News-Bee*, March 3, 1909, page 1.